

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

VICTOR ALONSO-BERRIOS, et al

Plaintiff

v.

CIVIL NO. 09-1436 (SEC)

ANTONIO GARCIA-PADILLA, et al

Defendants

OPINION & ORDER

Plaintiffs, appearing *pro se*, filed the instant Complaint (Docket # 2) on May 15, 2009. The Complaint was accompanied by a Motion to Proceed *In Forma Pauperis* (Docket # 1) under 28 U.S.C. Section 1915. After reviewing said motion, this Court finds that Plaintiffs do not qualify for indigent status. Furthermore, a review of the pleadings also warrants that it be **DISMISSED.**

When a plaintiff seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. Section 1915(a), a court may dismiss the plaintiff's case at any time if satisfied that it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). A claim is frivolous within the meaning of Section 1915(d) if it is "based on an indisputably meritless legal theory," lacking "even an arguable basis in law." Neitzke v. Williams, 490 U.S. 319, 327 (1989); see also González-González v. U.S.A., 257 F.3d 31 (1st Cir. 2001).

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3 This Court understands that the present action presents incomprehensible and frivolous
4 allegations, which do not suggest a viable cause of action either under local or federal law.

5 The claim asserts that irreparable psychological and economic damages have been caused
6 by Defendants, who forced Plaintiffs' child to lose her Pell Grant, Stafford Student Loan, miss
7 close to two years of university studies, and face possible relocation to another university and/or
8 country. See Docket # 2 at 3. However, Plaintiffs do not even attempt to present allegations as
9 to why Defendants are personally, or institutionally, responsible for the loss of the educational
10 grants, and alleged damages.
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13 After thoroughly examining all allegations and arguments set forth by Plaintiffs in the
14 complaint (No. 2), this Court holds that Plaintiff's claims are frivolous under the standard set
15 forth above. Because of its frivolity, and because Plaintiffs do not qualify to proceed *in forma*
16 *pauperis*, the case at bar is hereby **DISMISSED WITHOUT PREJUDICE**. Furthermore, the
17 documents submitted along with the Motion for Leave to Proceed *In Forma Pauperis*
18 demonstrate that Plaintiffs' monthly income is too great to proceed under indigent status.
19 Judgment shall be entered accordingly.
20

21 **IT IS SO ORDERED.**
22

23 San Juan, Puerto Rico, this 19th day of June, 2009.

24
25 S/ Salvador E. Casellas
26 SALVADOR E. CASELLAS
U.S. Senior District Judge